

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Plaintiff,)

v.)

C.A. No. 04 CV 10203 PBS

ADP MARSHALL, INC., a FLUOR)
DANIEL COMPANY, and FIREMAN'S)
FUND INSURANCE COMPANY)
Defendants.)

ADP MARSHALL, INC.)
Plaintiff-in-Counterclaim,)

v.)

MASSACHUSETTS DEVELOPMENT)
FINANCE AGENCY)
Defendant-in-Counterclaim.)

ADP MARSHALL, INC.)
Third Party Plaintiff,)

v.)

ALLIED CONSULTING ENGINEERING)
SERVICES, INC., ANDOVER CONTROLS)
CORPORATION, R&R WINDOW)
CONTRACTORS, INC., DELTA)
KEYSPAN, INC. n/k/a DELTA)
KEYSPAN, LLC, MADDISON)
ASSOCIATES, INC., UNITED STATES)
FIDELITY AND GUARANTY)
COMPANY, FIDELITY AND DEPOSIT)
COMPANY OF MARYLAND,)
NATIONAL GRANGE MUTUAL,)
INSURANCE COMPANY, TRAVELERS)
CASUALTY AND SURETY COMPANY)

OF AMERICA, AMERICAN HOME)
ASSURANCE COMPANY,)
HARTFORD ROOFING COMPANY, INC.)
and SPAGNOLO/GISNESS &)
ASSOCIATES, INC.)
Third Party Defendants.)
_____)

**ADP MARSHALL, INC.'S MOTION FOR SUMMARY JUDGMENT ON ITS THIRD
PARTY COMPLAINT AGAINST DELTA KEYSpan, INC.**

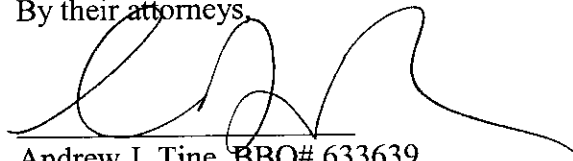
Pursuant to F.R.C.P. 56, ADP Marshall, Inc. ("ADPM") hereby moves this Honorable Court for summary judgment in its favor on Counts I and V of its third party complaint against Delta Keyspan, Inc.

In support hereof, ADPM submits a Memorandum of Law and an Affidavit of Tom Hughes in support thereof.

Wherefore, ADP Marshall, Inc. requests summary judgment in its favor on the third party complaint.

Submitted this 30th day of November, 2004.

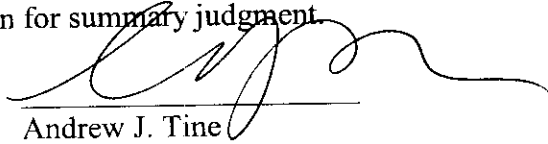
ADP Marshall, Inc.,
By their attorneys,



Andrew J. Tine, BBO# 633639
Haese, LLC
70 Franklin Street, 9th Floor
Boston, MA 02110
617-428-0266

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Andrew J. Tine, attorney for ADP Marshall, Inc., certify that I have conferred with Bill O'Gara, Esq. and have attempted in good faith to resolve or narrow the issues set forth in this motion for summary judgment.



Andrew J. Tine